

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

RYAN BENOIT,)	
)	
Petitioner,)	
)	
v.)	2:16-cr-00070-JDL-1
)	2:20-cv-00241-JDL
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

**ORDER ACCEPTING THE RECOMMENDED DECISION OF THE
MAGISTRATE JUDGE**

Ryan Benoit has filed a motion under 28 U.S.C.A. § 2255 (West 2021) to vacate, set aside, or correct his sentence (ECF No. 38). United States Magistrate Judge John C. Nivison filed his Recommended Decision on Benoit's motion on February 22, 2021, pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2021) and Rule 8(b) of the Rules Governing Section 2255 Proceedings (ECF No. 66). Benoit filed a timely objection on March 9, 2021 (ECF No. 67).

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record, and have made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision. I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge (ECF No. 66) is hereby **ACCEPTED**, and Benoit's motion (ECF No. 38) is

DISMISSED. It is further **ORDERED** that no certificate of appealability should issue in the event that Benoit files a notice of appeal because there is no substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C.A. § 2253(c)(2).

SO ORDERED.

Dated this 17th day of March, 2021

/s/ JON D. LEVY
CHIEF U.S. DISTRICT JUDGE